

Remarks

The above amendments and these remarks are responsive to the Office Action mailed March 23, 2006. Applicants thank the Examiner for carefully considering the subject application.

Regarding Claim Objections**Claims 12 and 23**

The Office action has objected to claims 12 and 23 under 37 CFR 1.75(c). The objection of claims 12 and 23 are moot as Applicants have canceled claims 12 and 23.

Claim 25

The Office action has objected to claim 25 under 35 USC 112 as lacking antecedent basis. Applicants respectfully disagree with this objection. Specifically claim 25 recites in part: "where said pipe is substantially unobstructed for a distance between said vanes and said exhaust pipe outlet, said pipe further being substantially unobstructed for said distance upstream of said vanes". Thus, "said distance" is antecedently supported by the preceding "a distance".

Further, the Office action has objected to claim 25 under 37 CFR 1.75 as being a substantial duplicate of claim 23. Applicants disagree with this assertion. Claim 25 recites in part: "said pipe further being substantially unobstructed for said distance upstream of said vanes". Applicants submit that claim 23 does not include the limitation of said pipe being substantially unobstructed for said distance upstream of said vanes. Furthermore, claim 23 has been cancelled with this amendment.

As such, Applicants respectfully submit that Claim 25 should be allowed for at least these reasons.

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Regarding Double Patenting

Applicants respectfully traverse the rejection of claims 2-11 and 13-20 on the grounds of nonstatutory double patenting in view of U.S. Application No. 10/647,357. Nevertheless, applicants submit herewith a terminal disclaimer to overcome this double patenting rejection. Applicants note that the filing of a terminal disclaimer to obviate a rejection based on nonstatutory double patenting is not an admission of the propriety of the rejection, and raises neither a presumption nor estoppel on the merits of the rejection. *Quad Environmental Technologies Corp. v. Union Sanitary District*, 946 F.2d 870, 20 USPQ2d 1392 (Fed. Cir. 1991).

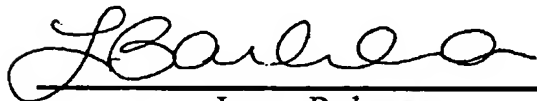
Conclusion

Based on the foregoing comments, the above-identified application is believed to be in condition for allowance, and such allowance is courteously solicited. If any further amendment is necessary to advance prosecution and place this case in allowable condition, the Examiner is respectfully requested to contact the undersigned by fax or telephone at the number listed below.

Please charge any cost incurred in the filing of this Amendment, along with any other costs, to Deposit Account No. 06-1510. If there are insufficient funds in this account, please charge the fees to Deposit Account No. 06-1505.


CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being sent via facsimile to the U.S. Patent and Trademark Office at (571) 273-8300 on June 19, 2006.



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Respectfully submitted,
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